

HOUSE BILL 2307

By Turner M

AN ACT to amend Tennessee Code Annotated, Section 50-6-204 and Section 50-6-226, relative to the workers' compensation law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Subsection 50-6-204(c) is amended by deleting the phrase "and the second injury fund assessment referred to in § 50-6-208"; and is further amended by deleting the language "§ 50-6-209(b)(1) and (2)" and substituting instead the language "§ 50-6-209(b)(2) and (3)"; and is further amended by deleting the phrase "second injury fund assessment" so that, as amended, Tennessee Code Annotated Subsection 50-6-204(c) shall read as follows:

"(c) In case death results from the injury or occupational disease, as defined in § 50-6-102, the employer shall, in addition to the medical services, etc., referred to above, pay the burial expenses of the deceased employee, not exceeding seven thousand five hundred dollars (\$7,500). If the deceased employee leaves no dependents entitled to compensation under the provisions of the Workers' Compensation Law, the employer shall pay to such employee's estate the additional benefits provided in § 50-6-209(b)(2) and (3), and shall also be liable for the medical and hospital services, and burial expenses provided for herein."

SECTION 2. Tennessee Code Annotated, Section 50-6-226(a)(2)(B) is amended by deleting the phrase "the lesser of"; AND by deleting the phrase "or ten thousand dollars (\$10,000)"; AND by adding a comma and the phrase "or, in cases governed by § 50-6-207(4), twenty percent (20%) of the first four hundred weeks of the award" after the phrase "twenty

percent (20%) of the award to the injured worker” and before the period; AND deleting the sentence “For fees in excess of ten thousand dollars (\$10,000), any court with jurisdiction to hear a matter pursuant to § 50-6-225 shall review such case solely for the purpose of approving such fees as are reasonable”; so that, as amended, Tennessee Code Annotated Subsection 50-6-226(a)(2)(B) shall read as follows:

“(B) For cases submitted to the department for approval pursuant to § 50-6-206(c) that are resolved prior to trial or pursuant to a benefit review conference, the department shall deem the attorney’s fee to be reasonable if such fee does not exceed twenty percent (20%) of the award to the injured worker or, in cases governed by § 50-6-207(4), twenty percent (20%) of the first four hundred weeks of the award.”

SECTION 3. Tennessee Code Annotated, Section 50-6-226(a)(2) is amended by deleting subdivision (E) in its entirety.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.